Petition

81-1994

No.

Office-Supreme Court, U.S.
FILED
APR 26 1982
ALEXANDER L. STEVAS,
CLERK

IN THE

Supreme Court of the United States

JAMES A. BULLOCK

Petitioner

vs.

JOHN R. ADAMS

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE ILLINOIS COURT OF APPEALS FOR THE FIRST DISTRICT

JAMES A. BULLOCK
Pro-se
520 Burning Tree Ln.
Naperville, Il. 60540
(312) 355-1582

Pandick Press Midwest, Inc., Chicago • 454-7600

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QUESTIONS PRESENTED FOR REVIEW

1. Whether Petitioner was denied due process of law under the Seventh Amendment to the Constitution of the United States as to his right to a trial by jury.

2. Whether the rulings of the lower court were Legal and Proper.

3. Whether plaintiff's counsel deliberately misrepresented facts as to plaintiffs legal rights and remedies, and deliberately mishandled the Appeal.

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES A. BULLOCK Petitioner

V

JOHN R. ADAMS Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE APPELLATE COURT OF ILLINOIS

Now comes James A. Bullock and prays that this court issue its Writ of Certiorari to the Appellate Court of Illinois, First Judicial District, to review its affirmance of Petitioners plea that its judgment be reversed with directions to reverse the Judgment of the court below.

OPINIONS BELOW

The Appellate Court of Illinois, First Judicial District affirmed the judgment of the court below on November 25, 1981 and denied plaintiff's petition for rehearing on December 18, 1981.

JURISDICTIONAL STATEMENT

Plaintiff appealed to the Illinois Court of Appeals for the First District. The Court dismissed the appeal for want of prosecution on March 27, 1981. However oral arguments were not heard by the court until October 28, 1981, the Illinois Appellate court affirmed the order of the lower court on November 25, 1981 and further denied the plaintiff's petition for re-hearing on December 18, 1981.

The orders are reproduced in the Appendix.

CONSTITUTIONAL PROVISION INVOLVED

United States Constitution

All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

VII (Seventh amendment) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,"

STATEMENT

Now comes the Petitioner James A. Bullock, hereinafter referred to as Bullock, complaining that actions by the lower courts have violated his Seventh Amendment Civil Right to a trial by jury, by the following actions; Circuit Court Judge Elward apparently of his own volition, entered an order of January 25, 1980 striking Bullocks responses to defendants Rule 216 motion to admit. Neither Bullock nor his attorney had knowledge of this order prior to late July 1980, at this time Bullock was informed by his counsel Mr. Haddix that he, Bullock was ordered to appear before Judge Elward on August 5, 1980 for not obeying the instructions as contained in Judge Elwards order of May 2, 1980. Judge Elward's order of May 2, 1980 instructed Bullock to obtain

new counsel or to appear pro-se within fifty-six (56) days. Bullock had retained Mr. Haddix on April 21, 1980 as counsel, prior to the order. Mr. Haddix in turn notified counsel for the defendant that he would be representing Bullock on April 29, 1980. Due to the fact that Bullocks own counsel, Mr. Haddix informed him that Judge Elward had ordered Bullocks appearance in court on August 5, 1980, and the fact that the respective parties attorneys had established contact more than ninety (90) days previous, and that counsel for the defendant had presented a fraudelent motion for dismissal on the basis of Bullock not having retained an attorney as per Judge Elwards order of May 2, 1980. Bullocks suspicions were sufficiently aroused that he arranged for reliable witnesses to be present in Judge Elward's court room on August 5, 1980. Bullock had been notified on or about July 28, 1980 (less than ten (10) days prior to the August 5, 1980 hearing) of the order of January 25, 1980 by Mr. Haddix. Mr. Haddix went further in his letter to attempt to persuade Bullock that his case was in effect destroyed and unarguable in court. Bullock objected to the unorthadox procedures relating to the circuit court order of January 25, 1980, and the fraudulent motion to dismiss entered on July 10, 1980. Judge Elward thereupon entered an order based upon the fraudulent motion and dismissed Bullocks suit at law. Mr. Haddix acted in collusion with counsel for the defendant in this and other matters and deliberately mishandled the appeal.

Bullock attempted to bring the true facts before the Illinois Appellate Court by filing a petition for a rehearing. Bullocks petition was denied by the Illinois Appellate Court by order handed down on December 18, 1981. This order was not accompanied by an explanatory memorandum or opinion, nor was the defendant required to file an answer to the petition.

Bullock contends that the actions of the lower courts were done willfully and in direct disregard of all pertinent rules and laws and to deny Bullock his Civil Right.

1. (Exhibit A") This document is a copy of Bullocks petition for review in which the true operative facts are set forth.

2. (Exhibit "B") This document is a copy of the order denying Bullocks petition for review without accompanying opinion or memorandum. The Illinois Appellate Court did not require the defendant to file an answer to the petition.

3. (Exhibit "C") This document is a copy of the response Bullock received from his former attorney, to Bullocks request for information regarding the striking of his answers.

4. (Exhibit "D") This document is a copy of a letter sent to Bullock by his attorney Mr. Haddix, NOTE, Mr. Haddix states Judge Elward entered a Motion. Mr Haddix enclosed a copy of Judge Elwards order of January 25, 1980, but disclaims knowledge of the circumstances. Mr. Haddix continues with an attempt to convince Bullock that further argument would be fruitless.

5. (Exhibit "E") This document is a copy of a letter from Mr. Haddix to his client Bullock. Bullock directs the Honorable Justices of the Supreme Court to note the date to confirm prior contact between the respective parties attorneys.

6. (Exhibit "F") This document is a copy of the fraudulent motion to dismiss, entered by the defendants counsel.

7. (Exhibit "G") This is a copy of Judge Elwards order of August 5, 1980, drafted by counsel for the defendant. Clearly the order is based upon the fraudulent motion entered by counsel for the defendant on July 10, 1980, and was the basis upon which Bullocks suit was dismissed by the Circuit Court.

8. (Exhibit "H") This document is a copy of the order as handed down by the Illinois Appellate Court on November 25, 1981. Clearly the order is erroneously based upon hearsay and not upon the actual motion (Exhibit "E") and order (Exhibit "G").

With all the aforementioned Bullock contends that he has demonstrated a clear violation of his Seventh Amendment Civil Right by the lower court whose sworn duty is to Uphold the Constitution and properly dispense justice.

EXHIBIT "A"

PETITION FOR REHEARING

Now comes the Plaintiff James A. Bullock seeking to move the Appellate Court to rehear appeal No. 80-2341 and overturn the order handed down on November 25, 1981 due to the following operative facts;

1. The Circuit Court order of January 25, 1980, striking Plaintiffs answers to defendants rule 216 request to admit, and ordering defendants statement admitted as fact, should be overturned due to the following operative facts;

   a. Statements contained in the defendants request are false.

   b. Defendants motion for said order was not noticed and therefore Plaintiff could not file a response.

   c. Due to defendants failure to notice the motion an amendment was not possible if clarification was indeed necessary.

   d. Plaintiffs answers to defendants rule 216 request were filed on November 7, 1979, and were therefore on file Seventy-Nine (79) days prior to being striken without notice

   e. Plaintiff was informed that defendant had answered his complaint and the parties were actively engaged in the process of discovery and a deposition taken of Plaintiff.

f. Regardless of the provisions of the rule, or the judgements of the pre-trial court, the Plaintiff demands observance of his Seventh Amendment Civil Right guaranteeing a trial by jury.

2. The circuit court order of August 5, 1980 must be overturned and plaintiffs suit re-instated due to the following operative facts;

a. Defendants counsel knew his motion to be false prior to filing as contact was made between the parties attorneys as early as April 29, 1980.

b. Due to the aforementioned and the fact that the Plaintiffs attorney notified Plaintiff of the pending motion, the Plaintiffs suspicion was sufficiently aroused that Plaintiff arranged for reliable witnesses to be present at the August 5, 1980 hearing.

c. It was ascertained at the hearing of August 5, 1980 that Plaintiff had retained counsel on April 21, 1980 and the court accepted this fact.

d. The record on file clearly demonstrates that the motion before the court on Aug. 5, 1980 was for dismissal on the basis of Plaintiff not having retained an attorney. The circuit court order of Aug. 5, 1980 dismissing Plaintiffs suit was clearly entered upon the fraudelent motion entered by counsel for the defendant.

In spite of these facts the order of the Appellate Court as handed down on November 25, 1981, infers that the Plaintiff voluntarily ceased litigation. Plaintiff would point out to the Justices of the Appellate Court that his situation is one of hardship due to actions of the defendant. If the eroneous assumption as contained in the Appellate Court order of November 25, 1981 were true the Plaintiff would not have born the costly expense of appeal.

e. Plaintiff is of the opinion that the Appellate Court order of November 25, 1981 constitutes a clear violation of the Plaintiff's Civil Right as protected by the First, Seventh, and Eighth Amendments to the Constitution of the United States.

Wherefore in view of the aforementioned facts the Plaintiff moves the Illinois Appellate Court for the First District to overturn the aforementioned order of the Circuit Court and re-instate his suit at law.

Submitted by
JAMES A. BULLOCK

EXHIBIT "B"

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JAMES BULLOCK Plaintiff-Appellant	)	No. 80-2341
v	)	
JOHN R. ADAMS Defendant-Appellee	)	

O R D E R

This cause coming on to be heard on Plaintiff-appellant's petition for rehearing, the court being advised in the premises;

It is HEREBY ORDERED that the petition for rehearing is denied.

Dated at Chicago, Illinois, this 18th day of December, 1981.

ENTER:
SIGNED: Dom J. Rizzi
Justice
Daniel J. McNamara
Justice
Helen Milgullically
Justice

EXHIBIT "C"

FRED B. RASKIN
Attorney at Law
100 N. LaSalle St. Suite 2515
Chicago, Illinois 60602
(312) 726-7700

Mr. James Bullock
520 Burning Tree Lane
Naperville, IL 60540

Date Jan. 6, 1981
Bullock Vs Adams

Dear Mr. Bullock:

I don't recall anything about the order of January 25, 1980. You would have to refresh my recollection.

Very truly yours,

Signed: Fred B. Raskin (lk)

EXHIBIT "D"

Law Office of
Lance Haddix

134 S. LaSalle
Suite 700
Chicago, Ill. 60603

July 25, 1980

Mr. James Bullock
520 Burning Tree Ln.
Naperville, Ill. 60540

Re: Bullock v Adams No. 79-L 16032

Dear Mr. Bullock

Upon appearing in Court the Judge entered a Motion requesting you to appear before him on August 5, 1980. I enclose a copy of that order which I trust is self-explanatory

I also enclose a request to admit operative facts in this case which was apparently entered on January 25, 1980. I do not know the circumstances under which they were ordered admitted but I do know that they effectively destroy our case because the following allegations are taken as admitted as you can see from the enclosed pleadings:

1. Adams with your full concurrence was appointed an examiner and
2. You understood and concurred in the issuance of the report. Under the circumstances of this Court Order I think it would be a waste of time and money to pursue the litigation.

Signed: Lance Haddix

EXHIBIT "E"

Dated 4/29/80

To: Mr.James Bullock
From: Lance Haddix
RE: Depositions at the Orfices of Hinshaw, Culbertson, Moelmann, Hoban & Fuller of November 12, 1979.

MEMORANDUM

Attorney E. Michael Kelly informed my office during a telephone conversation we made today to his office for the purpose of requesting the depositions taken on November 12, 1979 that Dr. John R. Adams' deposition was never conducted on November 12, 1979 as James Bullock's deposition ran later than was expected that day. Dr. Adams was to be notified if and when in the future his deposition would be taken and so far, that has not been done. James Bullock's deposition, they furtner advised, was never concluded. It was to be continued at a future date and so far, the continuation has not been scheduled.

Our office contacted Court Reporter Carol Siebert of the Hartnett and Cataloni Court Reporting Service who will transcribe the portion of the deposition of James Bullock that was taken. November 12, 1979 and furnish us with a copy, at a cost of $160.00.

Attorney E. Michael Kelly advised this office that Mr. Bullocknas been represented by about six attorneys already on this case, and that his office will be filing a Motion to seek Attorney's Fees and Costs in this case.

EXHIBIT "F"

STATE OF ILLINOIS)
)SS
COUNTY OF COOK

IN THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS - COUNTY DEPARTMENT, LAW DIVISION

JAMES BULLOCK Plaintiff	)	
V.	)	No. 79 L 16032
DR. JOHN R. ADAMS, Defendant	)	

MOTION TO DISMISS

Now Comes the defendant, DR. JOHN ADAMS, M.D. by his attorney HINSHAW, CULBERTSON, MOELMANN, HOBAN & FULLER, and moving to dismiss with prejudice plaintiff's complaint at law states as follows:

1. That on May 2, 1980 this Court granted the Plaintiff's attorney leave to withdraw as counsel for the plaintiff.

2. On May 2, 1980 this Court also ordered that the plaintiff had fifty-six (56) days or until June 27, 1980 within which to retain new attorney and for that attorney to appear on his behalf, or in the alternative to file a pro-se appearance. See the Court Order of May 2, 1980 attached hereto and made part of this Motion as Exhibit "A".

3. That the plaintiff has failed to either obtain another attorney on his behalf or to file a pro-se appearance.

WHEREFORE, the defendant, DR. JOHN ADAMS, M.D by his attorney respectfully move this Court to dismiss with prejudice plaintiff's complaint at law.

HINSHAW, CULBERTSON, MOELMANN, HOBAN & FULLER

By: _____
One of the attorneys for the Defendant, Dr. John Adams, M.D.

69 West Washington
Chicago, Il.
630-4400

EXHIBIT "G"

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT LAW, DIVISION
County(Municipal) Division) District)

James Bullock - Plaintiff

v. No. 79 L 16032

Dr. John R. Adams - Defendant

ORDER

This matter coming on to be heard on Motion of the Defendant, Dr. John Adams, to dismiss plaintiff's complaint at law with prejudice for failure to comply with this Court's Order of May 2, 1980. Plaintiff appearing with counsel and the Court being fully advised in the premis counsel for plaintiff, counsel for defendant and the plaintiff having been heard, and due notice having being.

IT IS HEREBY ORDERED that said motion is granted and plaintiff's complaint at law against the Defendant, Dr. John Adams is hereby dismissed with prejudice.

IT IS HEREBY FURTHER ordered that there is no just reason to delay the enforcement of appeal of this order;

IT IS HEREBY FURTHER ordered that judgement is entered for the Defendant and against the plaintiff.

stamped: Judge Paul F. Elward Aug. 6, 1980. Circuit Court

Hinshaw, Culbertson
for: Dr. Adams
69 W. Washington
Chicago
630-4400

CONCLUSION

For the reasons set out above, it is respectfully requested that this Court issue a Writ of Certiorari to the Appellate Court of Illinois, First District to review the Courts Judgement in this case.

Respectfully
submitted,

James A. Bullock
Pro-se
520 Burning Tree Ln.
Naperville, Il.
60540
(312) 355-1582

Appendix

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JAMES BULLOCK, Plaintiff-Appellant, v. DR. JOHN R. ADAMS, Defendant-Appellee.	)	No. 80-2341

O R D E R

This cause coming on to be heard on the court's own motion, and the court being advised in the premises;

IT IS HEREBY ORDERED that said appeal is dismissed for want of prosecution.

Dated at Chicago, Illinois, this 27th day of March, 1981.

ENTER: Signed
Don J. Rizzi
Justice
Daniel J. McNamara
Justice
William S. White
Justice

Third Division Filed
11/25/81

No. 80-2341

JAMES BULLOCK, Plaintiff-Appellant	)	Appeal From the Circuit Court of Cook County
V.	)	HONORABLE
JOHN R. ADAMS Defendant-Appellee	)	Paul Elward Presiding

MR. JUSTICE McNAMARA delivered the opinion of the court:

Plaintiff, James Bullock, appeals from an order of the trial court dismissing with prejudice his complaint for money damages from defendant, a psychiatrist, made an incorrect diagnosis of plaintiff and that as a result of wrongful communication of that diagnosis to plaintiff's employer, plaintiff was discharged from his employment.

On August 31, 1979, pursuant to Supreme Court Rule 216, Ill. Rev. Stat. 1979, ch. 110A, par. 216, defendant filed a request of plaintiff to admit certain material facts. On November 9, 1979, plaintiff filed a response refusing to admit the statements contained in the request because the statements were over simplified and of a broad and general nature.

Defendant thereafter moved to strike plaintiff's response and requested that the facts stand admitted because the response was not timely filed and failed to conform to the requirements of the rule. Plaintiff filed no response to this motion. On January 25, 1980, the Court, in an order reciting that counsel had been heard, granted defendant's motion and ordered the facts stand admitted.

On May 2, 1980, plaintiff's counsel was granted leave to withdraw and the court ordered plaintiff to obtain new counsel or to appear pro se within 50 days. On August 5, 1980, the court conducted a hearing on defendant's motion to

No. 80-2341
dismiss the complaint for plaintiff's failure to comply with the May 2, order. New counsel appeared for plaintiff, was allowed to file an appearance and was given time to file an amended complaint. Plaintiff then informed the court that he could not go forward as it was or it would be dismissed. Upon the plaintiff's unwillingness to proceed the case in that posture, the court dismissed the action.

Plaintiff has appealed from the order of dismissal, but on appeal focuses upon the interlocutory order striking his response to the request to admit facts and ordering the facts to stand admitted. Yet, the interlocutory order was proper since Supreme Court Rule 216 requires that upon passage of 28 days without either a denial or objection from the opposing party, the facts contained in the request to admit automatically stand admitted. (Chapman v. Foggy (1978), 59 Ill. App.3d 552, 375 N.E. 2d 167). In view of plaintiff's failure to comply with the rule, the interlocutory order that the facts stand admitted merely reflected the effect of the operation of the law. More importantly, the interlocutory order did not require judgment. Plaintiff sought no other relief, but simply refused to go ahead. In view of the unwillingness of plaintiff to proceed with the case, the trial court had no alternative but to dismiss the case. See Pease v. Herb Julian Cab Company, Inc. (1972), 7 Ill. App. 3d 179, 287 N.E. 2d 200.

For the reasons stated, the judgment of the circuit court of Cook County is affirmed.

Judgment affirmed.

RIZZI, P.J. and McGILLICUDDY, J.Concur.

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JAMES BULLOCK Plaintiff-Appellant	)	
V	)	NO. 80-2341
JOHN R. ADAMS Defendant-Appellee	)	

O R D E R

This cause coming on to be heard on Plaintiff-Appellant's petition for rehearing, the court being advised in the premises;

It is HEREBY ORDERED that the petition for rehearing is denied.

Dated at Chicago, Illinois, this 18th day of December, 1981

ENTER:
SIGNED: Dom J. Rizzi
Justice
Daniel J. McNamara
Justice
Helen Milgullicully
Justice

56078

Illinois Supreme Court
Supreme Court Building
Springfield, Ill. 62706
(217) 782-2035

Robert H.
Gillespy
Clerk

March 30,
1982

Mr. James A. Bullock, Pro-Se
520 Burning Tree Lane
Unit 6-304
Naperville, Il. 60540

No. 56078 - James Bullock, petitioner, vs. John R. Adams, respondent. Leave to appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

Very truly yours,

Signed: Robert H. Gillespy

Clerk of the Supreme Court

Opposition

Office - Supreme Court, U.S.
FILED
MAY 27
ROBERT L. STEVAS
CLERK

No. 81-1994

IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

JAMES A. BULLOCK,

Petitioner,

vs.

JOHN R. ADAMS,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS FOR THE FIRST DISTRICT

D. KENDALL GRIFFITH
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69 West Washington Street
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Attorneys for John R. Adams, Respondent

HINSHAW, CULBERTSON, MOELMANN,
HOBAN & FULLER
Of Counsel

Pandick Press Midwest, Inc., Chicago • 454-7600

IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

JAMES A. BULLOCK,

Petitioner,

vs.

JOHN R. ADAMS,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS FOR THE FIRST DISTRICT

SUMMARY OF REASONS FOR NOT GRANTING THE WRIT

I.

Plaintiff contends that he was deprived of a right guaranteed under the Constitution of the United States because he was denied a jury trial in the Circuit Court of Cook County, Illinois. The Seventh Amendment, on which plaintiff relies, does not apply to trials in state courts and is not embraced by the due process clause of the Fourteenth Amendment.

II.

Plaintiff's remaining contentions are not within the jurisdiction of this court because they involve the propriety of a state court's ruling on matters of state law and the conduct of plaintiff's conduct in the state court.

CITATIONS TO OPINION

The Appellate Court of Illinois affirmed the dismissal of plaintiff's cause of action. *Bullock* v. *Adams,* 102 Ill. App. 3d 379, 430 N. E. 2d 534 (1st Dist. 1981). The Supreme Court of Illinois denied leave to appeal at its March, 1982 term. 89 Ill. 2d ____.

REASONS FOR NOT GRANTING THE WRIT

I.

THE SEVENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DOES NOT APPLY TO THE STATES. NOR DOES THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT EXTEND APPLICATION OF THE SEVENTH AMENDMENT TO THE STATES.

Plaintiff does not explain on what basis this court would have jurisdiction of this matter. He does contend that the action taken by the Illinois trial court has deprived him of his right to a jury trial. It would appear then that he is claiming jurisdiction under 28 USCA 1257(3) (West 1966), which provides for review by this Court of final judgments by state courts "where any title, right, privilege or immunity is specially set up or claimed under the Constitution***of*** the United States." However, the constitutional right which plaintiff is asserting is not applicable to the circumstances of this case.

Plaintiff filed his lawsuit in the state court of Illinois. (R. C2-C5) He is claiming that he was denied a jury trial because his lawsuit was dismissed prior to trial. (R. C62) Consequently, it is state action which prevented this case from being submitted to a jury. Because the Seventh Amendment is not concerned with state action, but only with federal action, it applies only to proceedings in courts of the United States and does not in any manner govern or regulate trials by jury in state courts. *Minneapolis & St. Louis Railroad Co.* v. *Bombolis,* 241 U. S. 211, 217 (1915).

Nor does the due process clause of the fourteenth amendment extend the application of the Seventh Amendment to the states. *Hawkins* v. *Bleakly,* 243 U. S. 210, 216 (1916) and *Fay* v. *People of the State of New York,* 332 U. S. 261, 288 (1946).

As a consequence, the right plaintiff is claiming is not one protected by the Constitution of the United States. Because the constitutional claim lacks merit, the writ should not issue.

II.

THE REMAINING ISSUES RAISED BY PLAINTIFF DO NOT PROVIDE THIS COURT WITH JURISDICTION TO REVIEW THE JUDGMENT OF A STATE COURT.

Plaintiff's remaining issues presented for review are:

> 2. Whether the rulings of the lower court are Legal and Proper.
>
> 3. Whether plaintiff's counsel deliberately misrepresented facts as to plaintiffs (sic) legal rights and remedies, and deliberately mishandled the Appeal.

(Pet. 1)

These issues involve the propriety of rulings of a state court and the conduct of an attorney in a state court proceeding.

Plaintiff does not argue that these issues involve a treaty or statute of the United States, the invalidity of a state statute on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or, other than the Seventh Amendment contention already discussed, any title, right, privilege or immunity claimed under the Constitution, treaties or statutes of the United States. As a result, neither of these issues is within the scope of 28 USCA 1257 (West 1966) which defines this court's jurisdiction over appeals from final judgments of state courts. Instead, the action of the state court about which plaintiff complains involves the interpretation of the laws of the State of Illinois. As this court has noted:

> It is true that the courts of a state have the supreme power to interpret and declare the written and unwritten laws of the state; that this court's power to review decisions of state courts is limited to their decisions on federal questions; and that the mere fact that a state court has rendered an erroneous decision on a question of state law, or has overruled principles or doctrines established by previous decisions on which a party relied, does not give rise to a claim under the 14th Amendment or otherwise confer appellate jurisdiction on this court. (footnotes omitted)

Brinkerhoff-Faris Trust & Savings Co. v. *Hill,* 281 U. S. 673, 680 (1929).

The issues raised by the plaintiff are not within the jurisdiction of this court. As a consequence, the writ should not be granted.

CONCLUSION

It is respectfully requested that the petition for writ of certiorari to review the judgment of the First District of the Appellate Court of Illinois be denied.

Respectfully submitted,

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MICHAEL R. GOLDMAN
69 West Washington Street
Chicago, IL 60602
(312) 630-4400
Attorneys for John R. Adams, Respondent

HINSHAW, CULBERTSON, MOELMANN,
HOBAN & FULLER
Of Counsel